

TOWN OF NIVERVILLE

Minutes of the regular meeting of the Niverville Town Council held on September 17, 2019 at 7:00 p.m. at the Niverville Heritage Centre. In attendance were Mayor Myron Dyck, Deputy Mayor John Funk, Councillors Chris Wiebe and Nathan Dueck.

Res#269-19 Excuse	J. Funk – C. Wiebe BE IT RESOLVED that Councillor Kevin Stott be excused due to a personal commitment. “Carried”
Res#270-19 Agenda	N. Dueck – C. Wiebe BE IT RESOLVED that the agenda be approved subject to the following additions: New Business: 10 a. Woody Waste Seminar October 3, 2019 in Winnipeg “Carried”
Res#271-19 Minutes	J. Funk – N. Dueck BE IT RESOLVED that the minutes of the regular Council meeting held on September 3, 2019 be approved as presented. “Carried”
Res#272-19 C12-19	C. Wiebe – J. Funk BE IT RESOLVED that the Council meeting agenda be tabled and that Council sit in accordance with The Planning Act to hold a Public Hearing for Conditional Use C12-19; to allow for a 50-unit residential planned unit development in a Residential High Density Zone on Lots 12-14 Block 6 Plan 19956, civically known as 87, 93, 103 4 th Avenue S. “Carried”
Res#273-19 Resume	N. Dueck – J. Funk BE IT RESOLVED that the Public Hearing for Conditional Use C12-19; to allow for a 50-unit residential planned unit development in a Residential High Density Zone on Lots 12-14 Block 6 Plan 19956, civically known as 87, 93, 103 4 th Avenue S. be closed and Council resume its former order of business (8:23 p.m.). “Carried”
Res#274-19 C12-19	C. Wiebe – N. Dueck WHEREAS a Public Hearing was held regarding Conditional Use application C12-19 to allow for a 50-unit residential planned unit development in a Residential High Density Zone, on Lots 12-14 Block 6 Plan 19956, civically known as 87, 93, 103 4 th Avenue S.; AND WHEREAS the application was duly advertised; AND WHEREAS there was opposition received to the proposal noting concerns with respect to parking, increase in traffic (safety), loss of trees/greenspace; THEREFORE BE IT RESOLVED that Conditional Use application C12-19, to allow for a 50-unit residential planned unit development in a Residential High Density Zone, on Lots 12-14 Block 6 Plan 19956, civically known as 87, 93, 103 4 th Avenue S. be approved subject to the following conditions: <ol style="list-style-type: none">1) That the Canada Post mailboxes and pad be relocated to the greenspace between proposed buildings B and C (west side of property);2) That the Developer enter into a Development Agreement with the Town;

- 3) That speed bumps be installed at the driveway entrances; and
- 4) That the Niverville Fire Chief reviews the proposal and provides his recommendations prior to the issuance of a building permit.

"Carried"

Res#275-19
CU11-19
V4-19

J. Funk – C. Wiebe

BE IT RESOLVED that the Council meeting agenda be tabled and that Council sit in accordance with The Planning Act to hold a joint Public Hearing for Conditional Use 11-19; to allow for a 5,400 sq. ft. self-storage facility and compound in a Commercial Corridor Zone and Variation 4-19; to vary the parking requirements for the proposed 5,400 sq. ft. self-storage facility and compound from 22 spaces to 5 spaces on Lot 2 Block 2 Plan 34434, civically known as 299 Main Street.

"Carried"

Res#276-19
Resume

N. Dueck – J. Funk

BE IT RESOLVED that the joint Public Hearing for Conditional Use 11-19 and Variation V4-19 for Lot 2 Block 2 Plan 34434, civically known as 299 Main Street be closed and Council resume its former order of business (8:44 p.m.).

"Carried"

Res#277-19
C11-19

C. Wiebe – J. Funk

WHEREAS a Public Hearing was held for Conditional Use 11-19, an application from Ray Dowse on behalf of 5584796 MB Ltd. to allow for a 5,400 sq. ft. self-storage facility and compound on Lot 2 Block 2 Plan 34434, civically known as 299 Main Street;

AND WHEREAS in accordance with the Planning Act the Variation application was duly advertised;

AND WHEREAS there was no opposition brought forward to the proposal;

THEREFORE BE IT RESOLVED that Council approve Conditional Use 11-19, an application from Ray Dowse on behalf of 5584796 MB Ltd. to allow for a 5,400 sq. ft. self-storage facility and compound on Lot 2 Block 2 Plan 34434, civically known as 299 Main Street subject to the following conditions:

- 1) That the Developer is required upon 75% occupancy, to pave the parking lot for the first phase as outlined in pink on Schedule A (attached); and
- 2) That the final rendering of the façade be approved by the CAO prior to issuance of a building permit.

"Carried"

Res#278-19
V4-19

C. Wiebe – J. Funk

WHEREAS a Public Hearing was held for Variation V4-19, an application from Ray Dowse on behalf of 5584796 MB Ltd. to reduce the parking requirements from 22 to 5 for a proposed 5,400 sq. ft. self-storage facility and compound on Lot 2 Block 2 Plan 34434, civically known as 299 Main Street;

AND WHEREAS in accordance with the Planning Act the Variation application was duly advertised;

AND WHEREAS there was no opposition brought forward to the proposal;

THEREFORE BE IT RESOLVED that Council approve Variation V4-19, an application from Ray Dowse on behalf of 5584796 MB Ltd. to reduce the parking requirements from 22 to 5 for a proposed 5,400 sq. ft. self-storage facility and compound on Lot 2 Block 2 Plan 34434, civically known as 299 Main Street;

"Carried"

Res#279-19 Table Agenda	<p>C. Wiebe – J. Funk</p> <p>BE IT RESOLVED that the Council meeting agenda be tabled and that Council sit in accordance with The Planning Act to hold the Public Hearing for Bylaw 813-19; to re-zone the area generally described as Part Lot 1 Plan 62637 and Part Lot 1 Plan 47174 in association with Subdivision File 4340-18-8108 (revised).</p> <p style="text-align: right;">“Carried”</p>
Res#280-19 Resume	<p>C. Wiebe – J. Funk</p> <p>BE IT RESOLVED that the Public Hearing for Bylaw 813-19 be closed and Council resume its former order of business. (9:01 p.m.)</p> <p style="text-align: right;">“Carried”</p>
Res#281-19 BL 813-19 2 nd Reading	<p>C. Wiebe – J. Funk</p> <p>BE IT RESOLVED that Council gives second reading to Bylaw 813-19, a bylaw to rezone the area generally described as being part of Part Lot 1 Plan 62637 from:</p> <ul style="list-style-type: none"> • “RMD” Residential Medium Density to “PR” Parks and Open Space for Proposed Public Reserves A and B (pipeline); • “RMD” Residential Medium Density to “RSU” Residential Single Unit for Proposed Lots 1-10 Block 1 and Proposed Lots 1-18 Block 2; <p>and the area generally described as part of Part Lot 1 Plan 47174 from:</p> <ul style="list-style-type: none"> • “RMD” Residential Medium Density to “PR” Parks and Open Space for the pond north of the proposed subdivision; <p>as per Subdivision File 4340-18-8108 (revised).</p> <p style="text-align: right;">“Carried”</p>
Res#282-19 BL 813-19 3 rd Reading	<p>J. Funk – C. Wiebe</p> <p>BE IT RESOLVED that Council gives third reading and passes Bylaw 813-19, a bylaw to rezone the area generally described as being part of Part Lot 1 Plan 62637 from:</p> <ul style="list-style-type: none"> • “RMD” Residential Medium Density to “PR” Parks and Open Space for Proposed Public Reserves A and B (pipeline); • “RMD” Residential Medium Density to “RSU” Residential Single Unit for Proposed Lots 1-10 Block 1 and Proposed Lots 1-18 Block 2; <p>and the area generally described as part of Part Lot 1 Plan 47174 from:</p> <ul style="list-style-type: none"> • “RMD” Residential Medium Density to “PR” Parks and Open Space for the pond north of the proposed subdivision; <p>as per Subdivision File 4340-18-8108 (revised).</p> <p style="text-align: right;">“Carried”</p> <p>In Favour: M. Dyck, J. Funk, C. Wiebe, N. Dueck Absent: K. Stott</p> <p>Council took a short recess.</p>
Res#283-19 Zamboni	<p>C. Wiebe – J. Funk</p> <p>BE IT RESOLVED that Council authorizes the purchase of a 2020 Zamboni Model 650 (ice re-surfacer) from Fer-Marc Equipment Ltd. (Regina, SK) for use at the new Community Resource and Recreation Centre arena, at a cost of \$159,000.00 plus applicable taxes.</p> <p style="text-align: right;">“Carried”</p>

Mayor Myron Dyck expressed his appreciation to the Communities in Bloom Committee for their beautification efforts in the community. This year Niverville was awarded 4 out of 5 blooms thanks to their hard work. Mayor Dyck also thanked all those involved with Niverville's 50th Anniversary Celebration. A note of congratulations was also extended to Niverville's new MLA Honorable Ron Schuler on his recent election victory and thanked all those who took the time to run for office.

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| Res#284-19
Accounts | J. Funk – C. Wiebe
BE IT RESOLVED that cheque nos. 37899 to 37970 totalling \$1,587,692.19 be hereby approved for payment.

"Carried" |
| Res#285-19
July F.S. | C. Wiebe – N. Dueck
BE IT RESOLVED that the July 31, 2019 Financial Statement be approved as presented.

"Carried" |
| Res#286-19
BL 815-19
1 st Reading | J. Funk – C. Wiebe
BE IT RESOLVED that Bylaw No. 815-19, a bylaw to acquire land through a consent expropriation for the installation of a lift station on Lot 25 Block 6 Plan 19956, civically known as 116 3 rd Avenue S., be given first reading.

"Carried" |
| Res#287-19
Authorize | N. Dueck – C. Wiebe
BE IT RESOLVED that a member of Council is authorized to attend the Woody Waste Seminar in Winnipeg on October 3, 2019.

"Carried" |
| Res#288-19
Adjourn | N. Dueck – J. Funk
BE IT RESOLVED that the meeting be adjourned. (9:16 p.m.)

"Carried" |



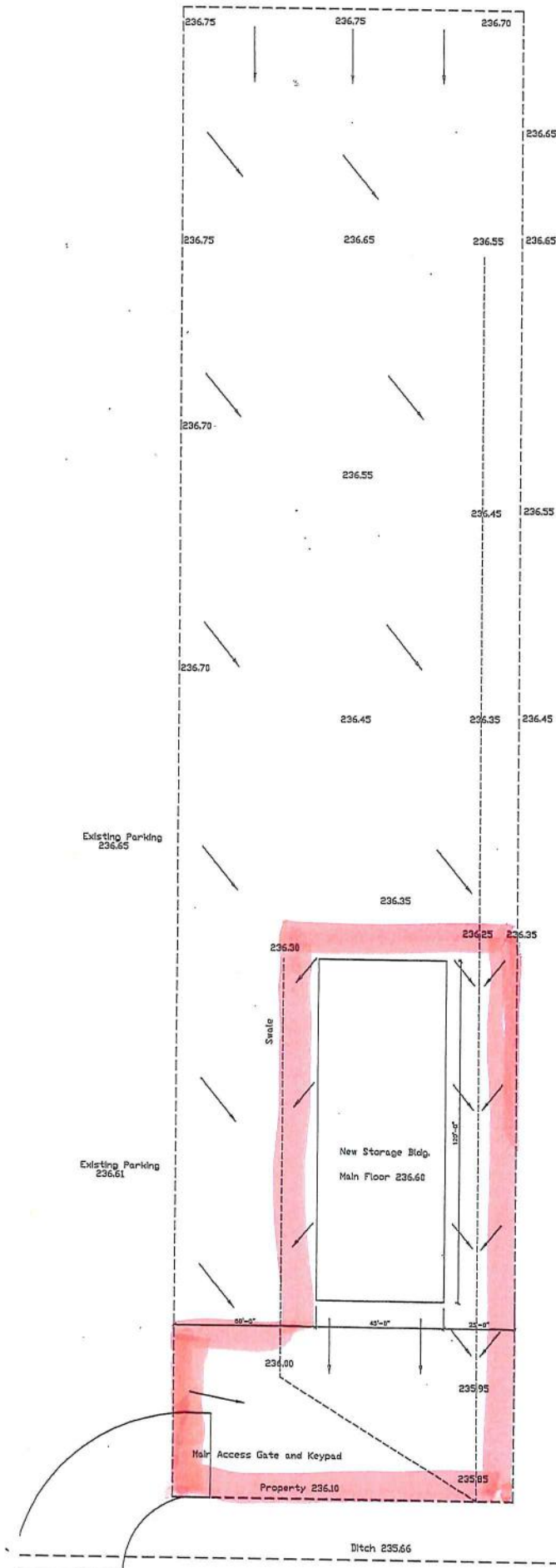
Mayor



Chief Administrative Officer

SCHEDULE "A"

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Minutes of the Public Hearing held on September 17th, 2019 at 7:03 p.m. regarding Conditional Use C12-19; to allow for a 50-unit residential planned unit development in a Residential High Density Zone, on Lots 12-14 Block 6 Plan 19956, civically known as 87, 93, 103 4th Avenue S. The proposal was duly advertised as per Section 169 of *The Planning Act*. Mayor Myron Dyck served as chairperson, with Deputy Mayor John Funk and Councillors Chris Wiebe and Nathan Dueck in attendance.

Mr. Eric King, CAO, provided a brief introduction of the proposal; to approve a 50-unit residential planned unit development over three lots (87, 93, 103 4th Avenue S.) zoned Residential High Density. The development would consist of a total of 50 units comprised of two 2-storey townhouse buildings with 10 units each and one 3-storey apartment building containing 30 units. Mr. King noted that the Developer had completed an Admin Review and has met the conditions outlined in the Review.

Mr. Luke Wiebe was present on behalf of 5563985 Manitoba Ltd. and 6135367 Manitoba Inc. and provided an overview of the proposal, noting that there had been a revision to the Canada Post mailbox location (moved to the west greenspace) and the 3-storey building had been moved further west. Mr. Wiebe noted that he intended to build this development in phases, beginning with the buildings on the west side.

Council asked the following questions of the Developer, his responses are in *italics*:

- will pets would be allowed and if so, would the size of pets be limited – *no definitive answer*
- type of exterior finishing materials – *hardy cement board and acrylic stucco*
- whether a play structure would be installed – *this may not be done due to the size of the units not lending themselves to families with children*
- type of roof that would be on the 3-storey building – *to be determined*
- would there be balconies - *yes*
- would there be a speed bump by the exit – *yes this could be installed*
- are there windows on the north and south sides of Building A – *yes*
- will the building be sprinklered – *no, not required* under the Manitoba Building Code due to fire related walls/doors (*not verified information)*
- is there a requirement to have a standpipe (firefighting equipment)? - *undetermined*
- asked for condition to be included requiring the Fire Chief to review this proposal
- will there be a main lobby in the 3-storey building – *yes, this area will house mailboxes as per Canada Post regulations*
- will the parking spots be dedicated to the suites (not sold) – *they will be included with the rental*

Randy Koop of 113 4th Avenue S. asked for clarification/expressed concern regarding the following, with responses from the CAO and Council in *italics*:

- would the 3 properties be consolidated? – *no requirement for 1 title, can be left as 3 properties or consolidated. This is a matter that has to do with taxes and assessment.*
- Is this property considered infill? – *yes*
- Is part of this process to make the area compliment the existing development? – *in the overall Development Plan, Council chose to identify this area for higher density housing due to the aging of the neighbourhood, sizes of lots to accommodate development and proximity to services. The area has “step up/step down” model of zoning, moving from a lower to medium to high density.*
- Argument against infill is against the height of the building (3-storey building) versus a single family home and loss of privacy – *the long-term intent of the area is to be 2 to 3 storey buildings*
- Concern over units on the south west side being able to stare into his backyard (privacy issue)
- Concern over survival of trees on his side of the property line when the trees on the neighboring lot will be removed
- Would like to see a park in the area, as he felt this would be beneficial

Dwayne Klapprat of 161 4th Avenue South asked for clarification/expressed concern regarding the following, with responses from the CAO and Council in *italics*:

- whether the sewer system would be able to handle these additional units - *a new forcemain was being constructed in conjunction with the new High School, which is creating additional capacity for 300+ residential units.*
- Whether there would be parking for the existing development (71/79 4th Avenue S.) at the Church – *While the Development Agreement requires on-site parking, Developer later confirmed that there was an agreement with the Church for visitor parking.*
- Will there be vehicles from the existing development (71/79 4th Avenue S.) parking at this new development?

Tony Kehler, owner of 112 4th Avenue S. expressed concerns over the following:

- Traffic
- safety of school kids walking along the street
- drainage
- a place provided for dogs to do their “duty”
- parking for visitors onsite as the street cannot handle additional parking

Mr. King noted that the Developer would be required to retain stormwater on site, an improvement over the existing drainage.

Donna Swarzynski of #4-71 4th Avenue S. spoke in support for the development, citing its affordability aspect and the need for more affordable housing in Town. Ms. Swarzynski is a tenant of Mr. Wiebe’s first development on the street and is happy with the rental.

Viola Toews of #61 4th Avenue S. expressed concerns/comments regarding the following:

- was not aware that the one building was proposed to be 3 storey
- concern that the 3-storey building would block the sunlight and be aesthetically unpleasing
- concern over exponential increase in traffic
- concern over devaluation of property
- concern over neighbours not receiving notice of the proposal
- suggested alternative style of housing to appeal to seniors

Hank Dueck of 136 4th Avenue S. asked for clarification/expressed concerns regarding the following, with responses from the CAO in *italics*:

- concern regarding parking of vehicles at Developer’s initial development on 4th Avenue and use of Church parking lot/street parking, which has a negative effect on the boulevard (was not designed to handle this)
- is there a Town requirement for greenspace? – *yes, the Zoning Bylaw requires 10% of greenspace or cash in lieu of*
- does greenspace requirement include a play structure? – *it means a grassed area with a minimum size, but does not include a play structure*
- would like to see a play structure requirement
- concern regarding drainage of 4th Avenue S. and plans to fix in the future – *Developer is required to improve drainage on the side of 4th Avenue that he is developing on. The Town will be overhauling the sewer and roads in the core area over the next 13+ years and the upgrade of 4th Avenue S. would be completed in conjunction with this.*
- Will the development add value or devalue properties? – *generally speaking, a previous example of this type of development saw the values increase, however, it was undetermined whether or not the properties would have increased in value without the development change. Suggestion to contact Jason Schellenberg for a professional opinion on this.*
- Applauded Council for dealing with urban sprawl
- Concern regarding safety and keeping the sidewalks clear

Mr. King read letters from the following residents into the record:

- Chelsea Maronese of 127 4th Avenue S. noted concerns with parking, increase in traffic (safety) and loss of greenspace;
- Kristen and Jason Fyfe of 168 1st Street S. noted concern with the 3-storey building as the Developer had been quoted as never planning to do this and the lack of other 2 storey houses in the area (other than the Developer's initial development)
- Helen Sparrow of 63 4th Avenue S. noted concerns for safety (school kids), traffic, parking, increase in school attendance, affect on taxes (increase Town's budget requirement), devaluation of property, esthetics and glut of condos – Niverville needs more affordable housing not condo units, and renters don't tend to look after property as they don't own them.

Mr. Wiebe responded to the various questions/comments as follows:

- Traffic – the Town would be responsible for repairing the street and suggested that 2 speed bumps be added similar to Hampton Drive
- Parking – there is an agreement with the Fourth Avenue Bible Church to have visitor parking on their lot
- The 3 lots will only be consolidated in the event of a sale or benefit to the owner
- 2 and 3-storey buildings are allowed within the zoning and there was an effort to create a buffer zone by having the 3-storey building located in the centre.
- Concession for keeping trees if Town would allow a decrease in parking spaces to accommodate same
- Some tenants treat their units as their own property
- The layout design was intentional to provide a buffer area
- Building A has windows on all 4 sides
- Drainage – will retain water on site
- Pets – management is strict on rules and have provided a pet park on the initial development and are maintaining it
- Security Cameras will be in place to provide surveillance of the property
- While in agreement with the concept for senior housing as presented by Viola Toews, this option was noted as not feasible
- There will be an elevator in the 3-storey building
- There are garages on the (west townhouse) buildings
- A natural playground is not required
- Patios will be providing greenspace area
- Current proposal has more parking than initial development on 4th Avenue.

Council asked the following questions/comments to the Developer, his responses are in *italics*:

- Will parking lot lighting be down-ward facing – *will follow the rules for this*
- Will complaints be addressed
- Compliments for installation of surveillance cameras and timeline for project – *intent is to start next spring, with a 2-3 year timeline*
- Will there be plugs for block heaters – *yes*
- Concern for construction mess that occurred during initial development – *problem was due to construction of all 4 buildings simultaneously and areas of concern were cleaned up when notified by the Town. Current proposal will see construction of one building at a time*
- There needs to be a pedestrian corridor during construction
- Make sure contractors are responsible to clean up after themselves
- Driveways need to be in before tenants move in
- Developer has had to comply with new parking requirements as per the new Zoning Bylaw.

The Public Hearing was closed at 8:23 p.m.

Minutes of a combined Public Hearing held on September 17th, 2019 at 8:31 p.m. regarding Conditional Use C11-19; to allow for a 5,400 sq. ft. self-storage facility and compound in a Commercial Corridor Zone and Variation 4-19; to vary the parking requirements for the proposed 5,400 sq. ft. self-storage facility and compound from 22 spaces to 5 spaces on Lot 2 Block 2 Plan 34434, civically known as 299 Main Street. The proposal was duly advertised as per Section 169 of *The Planning Act*. Mayor Myron Dyck served as chairperson, with Deputy Mayor John Funk and Councillors Chris Wiebe and Nathan Dueck in attendance.

Mr. Ray Dowse was present on behalf of 5584796 Manitoba Ltd. and provided an overview of the proposal, which included a 5,400 self storage unit, with parking in the front (south side) and a fenced in compound. The drainage plan has the water draining to the front and contained on site. The entry to the compound and building will be with key fobs, with security cameras in place and lighting on the rear of the lot. There will be no office on-site.

Council/CAO asked for more information regarding the following:

- height of walls from interior
- front elevations
- exterior finishes
- type of fencing
- cited concern about the visual aesthetics of trailer storage to those driving along Main Street
- asked if there was any paving going to be done right away.

Mr. Dowse advised the following:

- his intent was to be mindful of curb side appeal for building aesthetics and overall development
- Height of walls from interior is 8 feet
- intention to put identification signage along the front fence
- 5 parking spaces would be located on the front of the property, with more available on the north side
- Intention to pave first phase with first year, pending uptake
- Fenced compound provides a secure alternative
- Chain link fencing to be 6 foot high with topper and have identification signage on the front fence
- Intention to be well lit and secure facility

There was no objection brought forward by the public.

The Public Hearing was closed at 8:44 p.m.

Minutes of the Public Hearing held on September 17th, 2019 at 8:58 p.m. regarding Bylaw 813-19; a bylaw to a rezone the area generally described as being part of Part Lot 1 Plan 62637 from:

- “RMD” Residential Medium Density to “PR” Parks and Open Space for Proposed Public Reserves A and B (pipeline);
- “RMD” Residential Medium Density to “RSU” Residential Single Unit for Proposed Lots 1-10 Block 1 and Proposed Lots 1-18 Block 2;

and the area generally described as part of Part Lot 1 Plan 47174 from:

- “RMD” Residential Medium Density to “PR” Parks and Open Space for the pond north of the proposed subdivision;

as per Subdivision File 4340-18-8108 (revised). The proposal was duly advertised as per Section 168 of *The Planning Act*. Mayor Myron Dyck served as chairperson, with Deputy Mayor John Funk and Councillors Chris Wiebe and Nathan Dueck in attendance.

Eric King, CAO of the Town of Niverville provided an overview of the proposal noting that the zoning bylaw amendment is associated with Subdivision File 4340-18-8108 (revised). The subdivision proposes 28 residential lots intended for single-unit residential and two public reserves intended for a pipe connecting the water retention ponds north and south of the proposed lots. The bylaw is intended to accommodate proposed single-unit residential development in the proposed lots and rezone the pond and public reserves to a zone which appropriately reflects its use. It is noted that the proposed lots are currently zoned "RMD" Residential Medium Density, where single-unit dwellings may be permitted with a conditional use. The applicant has decided to conduct a rezoning instead of obtaining conditional uses for the proposed lots. This re-zoning proposal offers the existing surrounding single-unit dwellings adjacent to this subject location peace of mind that the low-density character of the immediate area is maintained. Community and Regional Planning supports the approval of this Zoning Bylaw Amendment as Bylaw 813-19 conforms with the intents and policies of the Development Plan and is compatible with surrounding land uses.

There was no objection brought forward by the public.

The Public Hearing was closed at 9:01 p.m.
